
The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order

Document Introducing Amendments to the Draft DCO Submitted on 8 September 2014

Planning Act 2008

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1. INTRODUCTION

1.1 This document sets out the changes that the Applicant has made to the Draft DCO in the version submitted for Deadline 6 (8 September 2014), compared with the previous version of the draft DCO (dated 21 July 2014). The Applicant's revised draft DCO is document NCC/EX/55, and an electronic comparison between the two versions has also been submitted (document NCC/EX/56).

1.2 In broad terms the changes to the draft DCO have been made for the following reasons:

- Changes arising from continued discussions with the host and other local authorities and with statutory undertakers;
- Those arising from the Examining Authority's Second Written Questions (SWQ) and the Applicant's responses to them (which are being submitted at the same time as this document); and
- Other points which the Applicant has identified as requiring amendment since the previous revisions to the Draft DCO.

2. TABLE OF AMENDMENTS TO DRAFT DCO

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Throughout Order	The word "shall" has been deleted and replaced with alternative wording, as referred to in SWQ response 10.6. A number of other minor and typographical changes have also been made.
Preamble	The preamble has been updated to match those provided for in other transport DCOs as requested in SWQ 10.7.
Article 2 Interpretation	Paragraph 8 has been added to identify what is being referred to in the Order when it mentions "plots" – they are as shown on the land plans (as defined).
Articles 6 & 7 Benefit of the Order and Consent to transfer	Articles 6 and 7 have been updated so that the Order is made for the benefit of the Applicant and, in respect of specific works to statutory undertakers' equipment, also for the benefit of statutory undertakers. As noted in SWQ response 10.9, this enables those works to be carried out by statutory undertakers, who must have been appointed

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benefit of the Order	<p>pursuant to the relevant statutory regime.</p> <p>Article 7 has been amended so that the Secretary of State's consent is required for all transfers or grants of the benefit of the Order, other than to the Secretary of State.</p>
Article 11 Classification of roads	<p>Article 11 has been updated to make it clearer, as per the response to SWQ 10.10.</p>
Article 22 Power to override easements and other rights	<p>Article 22 has been updated to add the safeguards suggested by the Examining Authority in SWQ 10.11.</p>
Article 24 Compulsory acquisition of rights & Article 26 Application of the Compulsory Purchase (Vesting Declarations) Act 1981	<p>Article 24 has been amended to allow the imposition of restrictive covenants as well as acquisition of (existing or new) rights. This change has been requested by National Grid Gas and agreed by the Applicant, so that new, altered and diverted apparatus can be appropriately protected by the imposition of restrictive covenants (such as protective strips either side, as is normal for statutory undertaker apparatus). Schedule 10 has been amended accordingly (see below).</p> <p>The inclusion of restrictive covenants in this article has precedence in The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 which has recently been made.</p> <p>Article 26 has been amended so as to add a further substituted provision in the Compulsory Purchase (Vesting Declarations) Act 1981, which is linked to the above and permits National Grid Gas to utilise the powers in that Act. This also appears in the Knutsford DCO as made.</p>
Article 30 Temporary use of land for carrying out the authorised development	<p>Article 30 has been amended to prevent the undertaker from remaining in possession of land taken pursuant to this article after new rights have been created in that land – this is to relate to the gas main diversion, and at present plot numbers have been inserted in square brackets as they are likely to change once the land plans have been updated (a process which the Applicant will do during the examination alongside other necessary amendments to the Order plans).</p>

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Article 36 Felling or lopping of trees	Article 36 has been amended to reflect the Home Office guidance on gateway powers of entry, including addition of a notice period prior to entry and restricting the power to only the construction period of the NDR, as per the response to SWQ 10.12.
Article 45 Procedure in relation to certain approvals etc	<p>Article 45 has been amended, as per the response the SWQ 10.13, so that the relevant 'consenting authority' can also determine that there may be materially new or different environmental effects, and in which case the deemed consent provision does not apply.</p> <p>It has also been amended so as to incorporate the relevant provisions of the Town and Country Planning Act 1990 regime for discharge of conditions, and apply these to the discharge of the requirements in Schedule 2. This change is considered in the response to SWQ 10.17.</p>
Schedule 1	Description of authorised development
All Work Numbers	The paragraph which was repeated in a very similar form in all work numbers has been deleted, and moved to the general section of works descriptions at the end of Schedule 1. Numbering has been updated accordingly.
Schedule 2	Requirements
1	<p>Definition of European Protected Species inserted to tie in with Requirement 5(5).</p> <p>Paragraph 1(2) has been deleted as Schedule 15 has been deleted.</p>
4	The landscaping plan references have now been inserted, as have the bat gantry plans. SWQ7.5 queried how the provision of bat gantries is secured in the DCO and this is a response to this.
5	<p>The landscape and ecology requirements have now been combined. The County Council as LPA has requested this as these two matters are intimately related and the County Council as developer (NCC) has acknowledged that this is an appropriate approach.</p> <p>NCC has agreed to notify the relevant planning authority as well as Natural England (paragraph 5).</p> <p>The LPA has requested an input into a scheme agreed by Natural England. The Applicant does not consider this is appropriate or necessary. Disturbance of protected species would be a criminal</p>

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	offence without necessary licences or approvals in place.
6	<p>The reference to BS5837 was requested by the host authority previously and it was omitted erroneously from the previous version of the DCO.</p> <p>The host authorities have recently requested reference to the DEFRA Code be included.</p> <p>The host authority would like the report to be submitted to, and approved by them. The Applicant has agreed to supply the report. It considers that the matter will be adequately covered by the report provided under 6(4).</p>
8	The contamination provisions have been amended with a view to meeting the concerns of the host authority.
10	These amendments were requested by Breckland DC in its LIR.
11	The host authority has requested the right to approve the working hours. The Applicant has assessed the working hours specified in the ES, and these working hours are required to complete the project in accordance with the programme. The relevant District Councils have further powers under section 60 Control of Pollution Act 1974.
26 & 27	These requirements have been requested by Breckland DC in its LIR, and the Applicant considers that they should be included.
28 & 29	These requirements have been inserted as part of the Applicant's response to SWQ 1.3 and 1.9 respectively.
30	The additional wording has been added in response to comments made by the Examining Authority at the previous DCO hearing.
Schedule 10	Land in which only new rights etc. may be acquired
-	The rights and restrictive covenants requested by National Grid Gas have been inserted. As noted above (article 30), the relevant plot numbers are to be confirmed.
Schedule 13	Protective provisions
Part 1 Protective provisions –	The protective provisions for railway interests have been updated by inclusion of the provisions relating to electro-magnetic interference.

Provision in Draft DCO	Brief Description of and Explanation for Amendment
Network Rail	
Schedule 15	Procedure for discharge of requirements
-	As noted above in relation to article 45, the Applicant has incorporated the relevant Town and Country Planning Act 1990 provisions, and this schedule is therefore no longer required.